

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>ALI TAHLIL HAJIOSMAN,</b>	)	
<b>#A208763707,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 18-cv-02093-SMY</b>
	)	
<b>WARDEN OF PULASKI</b>	)	
<b>COUNTY DETENTION CENTER,</b>	)	
	)	
<b>Respondent.</b>	)	

**MEMORANDUM AND ORDER**

**YANDLE, District Judge:**

Petitioner Ali Hajiosman is currently detained at Pulaski County Detention Center located in Ullin, Illinois. Proceeding *pro se*, Hajiosman filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his prolonged detention by Immigration and Customs Enforcement (“ICE”) officials. (Doc. 1, pp. 1-14). Hajiosman has allegedly been detained pending removal to Somalia for more than a year since a final Order of Removal was entered. *Id.* During this time, ICE has been unable to effectuate his removal. *Id.* In a recent effort to locate a country that would accept him, ICE officials transported Hajiosman to Senegal. *Id.* The country refused to take him, and Hajiosman returned to the United States after spending forty-eight hours in handcuffs. *Id.*

According to the Petition, Hajiosman has been detained well beyond the six-month period that is presumptively allowed under *Zadvydas v. Davis*, 533 U.S. 678 (2001). (Doc. 1, pp. 1-14). There is no likelihood of removal in the reasonably foreseeable future. *Id.* Given that he has no criminal record and poses no threat to public health or safety, Hajiosman asks this Court to order his immediate release from custody. *Id.*

This matter is now before the Court for review of the Petition pursuant to Rule 4 of the Rules Governing § 2254 Cases in United States District Courts, which provides that upon preliminary consideration by the district court judge, “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.” Rule 1(b) gives this Court the authority to apply the rules to other habeas corpus cases. Without commenting on the merits, the Court concludes that the Petition survives preliminary review under Rule 4 and Rule 1(b) of the Rules Governing Section 2254 Cases in United States District Courts.

**Disposition**

**IT IS HEREBY ORDERED** that Respondent Warden of Pulaski County Detention Center shall answer the Petition or otherwise plead within thirty (30) days of the date this Order is entered (on or before December 28, 2018).<sup>1</sup> This preliminary Order to respond does not, of course, preclude the Government from raising any objection or defense it may wish to present. Service upon the Warden of Pulaski County Detention Center located at 20 Justice Drive, Ullin, Illinois, shall constitute sufficient service.

Further, out of an abundance of caution and pursuant to Federal Rule of Civil Procedure 4(i), the **CLERK** is **DIRECTED** to send a copy of the Petition and this Order to the United States Attorney for the Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois, and to send a copy of the Petition and this Order via registered or certified mail to the United States Attorney General in Washington, DC, the United States Department of Homeland Security, and

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<sup>1</sup> The response date ordered herein is controlling. Any date that CM/ECF should generate in the course of this litigation is a guideline only. See SDIL-EFR 3.

the United States Department of Immigration and Customs Enforcement.

**IT IS FURTHER ORDERED** that this entire matter shall be **REFERRED** to United States Magistrate Judge Clifford J. Proud for disposition, as contemplated by Administrative Order No. 132, Local Rule 72.2(b)(3), and 28 U.S.C. § 636(c), *should all the parties consent to such a referral*.

Petitioner is **ADVISED** of his continuing obligation to keep the Clerk (and each opposing party) informed of any change in his whereabouts during the pendency of this action. This notification shall be done in writing and not later than seven (7) days after a transfer or other change in address occurs. Failure to provide such notice may result in dismissal of this action. *See* FED. R. CIV. P. 41(b).

**IT IS SO ORDERED.**

**Dated: November 28, 2018**

**s/ STACI M. YANDLE**  
**District Judge**  
**United States District Court**